

Minnesota State Planning Report

October 1, 1998

**Submitted on behalf of
Anishinabe Legal Services
Central Minnesota Legal Services
Judicare of Anoka County
Legal Aid Service of Northeastern Minnesota
Legal Services of Northwest Minnesota
Southern Minnesota Regional Legal Services**

**BY
Minnesota State Bar Association
Legal Assistance to the Disadvantaged Committee**

**Nancy J. Kleeman, Director of Volunteer Legal Services
612-673-6331
nkleeman@statebar.gen.mn.us**

**Electronic Submission by
Central Minnesota Legal Services
Recipient # 524020
Jean Lastine Executive Director
612-332-8151**

Table of Contents

The State Planning Process and ParticipantsPage 1

Areas Discussed:

Intake, Advice and Referral_____	Page 4
Technology_____	Page 7
Access to the Courts, Self-help and Preventive Education_____	Page 9
Coordination of Legal Work, Training, Information and Expert Assistance_____	Page 13
Private Attorney Involvement_____	Page 17
Resource Development_____	Page 21
System Configuration_____	Page 25

Appendix A_ Program Descriptions

Appendix B Technology Plan

Appendix C Booklets and Fact Sheets

A. Briefly describe the state planning process and participants.

For more than 80 years, Minnesota's civil legal aid programs have helped to secure justice and access to the judicial system for low-income Minnesotans. In 1980, the six LSC-funded programs received a special planning grant to identify areas for coordination and cooperation. The system in place today is the result of the processes begun with that grant. The providers worked with the newly-created Legal Assistance to the Disadvantaged (LAD) Committee of the Minnesota State Bar Association (MSBA) to create the Minnesota Legal Services Coalition (Coalition) State Support Center (Center) and the position of Director of Volunteer Legal Services (DVLS) at the MSBA. The regional programs serving all 87 Minnesota counties are known collectively as the Minnesota Legal Services Coalition. Directors of the Coalition programs, along with Center staff, the DVLS, and representatives of other specialized legal services providers¹ meet regularly to discuss and coordinate on issues of statewide concern. The directors in turn discuss these issues with their boards of directors. The LAD Committee continues as one of the MSBA's most active committees.

The six Coalition programs are Anishinabe Legal Services (ALS), Judicare of Anoka County (Anoka), Legal Aid Service of Northeastern Minnesota (LASNEM), Legal Services of Northwest Minnesota (LSNM), Mid-Minnesota Legal Assistance (MMLA) and Southern Minnesota Regional Legal Services (SMRLS). Program descriptions are contained in Appendix A. Central Minnesota Legal Services (CMLS) attends Coalition meetings, participates in planning discussions and is included in statewide projects and proposals where it would not be duplicative. CMLS technically is not a member of the Coalition because MMLA was the direct service provider for the same population from 1981 to 1996, and dual membership would upset the regional proportionality that has long defined the service delivery system in Minnesota.

The Minnesota programs have looked within themselves and the communities they serve to consider national trends and have moved forcefully on those believed most appropriate for Minnesota. The fact that Minnesota programs have worked in coalition for over 17 years puts them ahead of those in most states; the Coalition provides an institutional mechanism to meet goals with coordination and partnerships. The legislature, courts, private bar, law schools, funding community, and the legal services programs work together to replace lost funding, preserve capacity, and continually improve the delivery system. The challenges still facing the programs raise stark questions about the future of legal service delivery and provide the impetus to explore improvements and innovations. In addition, long-term social and economic trends continue to increase the number of low-income Minnesotans with unmet needs for legal services. New areas of poverty law continue to emerge, new populations require services, and the need for improved coordination with other agencies is increasing.

In response to cuts in LSC funding and substantial unmet legal needs within our state, the 1995 session of the Minnesota Legislature requested the Minnesota Supreme Court to "create a joint committee including representatives from the Supreme Court, the Minnesota State Bar Association, and the Minnesota Legal Services Coalition to prepare recommendations for state funding changes or other alternatives to maintain an adequate level of funding and voluntary services that will address the critical civil legal needs of low-income persons as a result of reductions in federal government funding for such programs".

¹ See Appendix A for descriptions of these programs.

By Order dated September 21, 1995, the Minnesota Supreme Court established the Joint Legal Services Access & Funding Committee and directed it to examine alternatives for addressing the critical civil legal needs of low-income people. The Committee was mandated to consider systemic changes in the legal and judicial systems and the legal services delivery system to facilitate access, identify costs and funding options for these alternatives, and make recommendations to the Court and the Legislature by December 31, 1995.

The Court appointed a liaison from the Court and 29 Committee members representing the Legislature, the federal and state judiciary, lawyers in private and public practice, legal services program staff, and the public including the client community. The Joint Committee understood its charge to include identifying both short-term and long-term solutions to meet the legal needs of low-income Minnesotans, especially in light of reductions in federal funding. In response to the question of how Minnesota's practicing lawyers, the Legislature and the courts can work together on this critical issue, the Committee adopted a partnership approach and focused on a five year plan. Recommendations were addressed to the court system, the legal services providers and their clients, the private bar and the Legislature. After completing its report, the Joint Committee continued for one more year to monitor initial implementation.

The Joint Committee's final report included several recommendations to the legal services providers, quoted below, which form some of the pillars of current thinking in Minnesota:

“While the Coalition programs and others are already a national model of coordination and cooperation, the programs should continue to search for areas in which they can achieve additional efficiencies and improve client services through increased coordination and cooperation.

The legal services programs should continue to strive to offer to low-income people a level playing field, access to all forums, and a full range of legal services in areas of critical need. For over 50 years, Minnesota's legal services programs have offered low-income Minnesotans access to services ranging from advice and representation in routine cases to client representation in legislative and administrative rule-making proceedings and representation of large numbers of clients in complex litigation addressing systemic legal problems. Every effort must be made to preserve the flexibility of local programs to respond to client needs in the most efficient, effective manner. It is equally important that legislative and administrative policy makers have access to the unique perspectives of low-income persons and that the judicial system be able to fashion the most cost-effective remedies in cases handled by legal services lawyers.

Legal services funding should be structured to ensure that populations with special needs, such as Native Americans, migrant and seasonal workers, people with disabilities, and financially distressed family farmers, continue to have access to legal services and that adequate state support services, such as training, community legal education materials and mechanisms for information sharing, continue to be available to all legal services providers, including volunteer attorney programs.”

Key Joint Committee recommendations and follow-up include:

An attorney registration fee increase to support legal services was effective July 1, 1997. Amounts raised are exceeding the projected \$800,000 per year. Significantly, there have been no reports of complaints about the fee increase. The Legal Services Advisory Committee (LSAC), charged with distributing the funds, decided to allocate the money by

the same formula that is used for state-appropriated funds: 85% to the six regional Coalition programs that together serve the whole state and 15% through the LSAC grant process to other volunteer attorney and staff programs providing legal services to low-income Minnesotans. This fund adds over \$120,000 per year to the pool available to discretionary grantees. Requests for information about the registration fee approach have been received from all over the country and the idea is being pursued in a number of states. Ohio has already followed Minnesota's lead, though at a lower level. (See Section B-6.)

In response to the Committee's recommendations, the Legislature, in the 1996 non-budget session, appropriated an additional \$350,000 for legal services on a one-time basis. In the 1997 budget session, the Legislature added an additional \$600,000 to the base funding for legal services. \$375,000 was added in 1998 on a one-time basis. Because this is considerably less than the report recommended, continuing requests will be made. (See Section B-6.)

The Coalition programs received a planning grant from The Bush Foundation to identify which technology applications would increase program effectiveness, reduce barriers to quality service and increase the value of services to clients. The Coalition is hopeful that the programs will receive major implementation grants. (See Section B-2.)

Extensive education has taken place around the state to encourage implementation of the Rule 6.1 aspirational goal that each lawyer donate at least 50 hours of legal services each year. LSAC and the Lawyer Trust Account Board that administers the IOLTA program (LTAB) have increased funding levels for the two largest independent volunteer attorney programs. (See Section B-5.)

The MSBA's LAD Committee is working on an extensive study of *pro bono* reporting systems used in other states. The LAD Committee presented an interim report at the MSBA's June 1998 convention and hopes to make concrete recommendations regarding reporting in Minnesota in the 1998-99 bar year. (See Section B-5.)

Several major banks raised interest rates on most IOLTA accounts from 1.01 percent to between 2.5 and 4.5 percent. These increases enabled LTAB to make grants of \$1.6 million for 1997-98 and \$2 million for 1998-99, up from only \$1 million in 1996-97. The MSBA continues to work with other banks at which IOLTA accounts are held, asking that they also raise their rates.

The Joint Committee's recommendation that local legal services providers consider implementing client administrative fees was explored seriously and was adopted briefly by MMLA, but ultimately it did not go forward. For the six LSC-funded programs, permission was required from LSC and was denied on the grounds that such a fee was inconsistent with the LSC Act. Consequently, the LSC-funded programs are not able to proceed. MMLA concluded that it would be unfair if only MMLA clients had to pay such a fee. Limited program experience before the idea had to be scrapped indicated that such fees would not generate significant revenue.

Applicants to LSAC and LTAB are using more uniform formats for reporting case service statistics. (See Sections B-1 and B-4.)

In pursuing the Joint Committee's recommendations, the Coalition programs and other legal services providers have had formal and informal discussions with policy-makers, representatives of the private bar, law schools, community leaders and clients about how the delivery system works and what the future holds. Staff members have attended several national conferences on legal services delivery, and have gleaned ideas about how other states are confronting the challenges faced. Minnesota programs' internal planning efforts, Coalition task forces, Program

Directors' meetings, and the Statewide Conference have all provided forums to generate strategies for the future.

State planning in Minnesota has been an ongoing process since 1981. Since completion of the work of the Joint Committee, the LAD Committee, working in cooperation with the Coalition and other providers, has resumed its leadership role in state legal services delivery planning. The LAD Committee has approximately 40 members representing a broad spectrum of the bar including representatives of legal services staff and volunteer attorney programs. The MSBA's president-elect is appointed and a present or former member of the Supreme Court usually serves on the LAD Committee. The LAD Committee reports to the MSBA's Board of Governors, an 85-member group including representatives of 21 bar districts statewide, the three Minnesota law schools, minority and other specialized bar associations, public attorneys, and all levels of Minnesota's courts.

In addition to regular Coalition business meetings, program directors now meet regularly for "visioning" discussions. In 1997, the Coalition programs received a one-year planning grant from The Bush Foundation to consider how legal services can be provided most effectively in Minnesota, especially in view of new technologies that can help streamline operations and allow programs to work together to serve clients in new and better ways. MMLA, a non-LSC funded program which houses the Legal Services Advocacy Project (LSAP), recently received a grant from the Minnesota Futures Fund to hire a consultant to undertake a statewide strategic planning process focusing on LSAP's work. LSAP serves as a substantive, statewide support center providing legislative and administrative rulemaking representation for eligible clients throughout Minnesota.

Past progress reflects constant movement toward heightened cooperation and coordination. In the next ten years, the Coalition's vision is to extend coordination to a new level, creating the efficiencies of a virtual statewide law firm. This will provide the best service to clients, and will chip away at the huge unmet need for legal services in Minnesota. Better internal and external communication will also improve the quality of services to clients. New forms of delivery, and a wider range of services, will prevent more types of legal emergencies, and reach new clients who qualify for services.

B. Address the following areas in the order presented. In addressing each area, please consider LSC's *State Planning Considerations* and assess the strengths and weaknesses of the current approach, establish goals to strengthen and expand services to eligible clients, and determine the major steps and a timetable necessary to achieve these goals.

Intake, Advice and Referral. How are intake and delivery of advice and referral services structured within the state? What steps can be taken to ensure a delivery network that maximizes client access, efficient delivery and high quality legal assistance?

Each prospective client is screened for eligibility and priority by the appropriate local office. There are offices covering all 87 Minnesota Counties. All the offices have toll-free phone numbers if needed in their service area. Information on counties served and the toll-free phone number for each office are widely circulated. The MSBA Attorney Referral Service fields thousands of calls annually from potential legal aid clients statewide and gives callers the appropriate toll-free number. If the person appears to be eligible, a more detailed interview is conducted by an attorney or paralegal who usually is a specialist in the case area presented by the client. In emergencies, the interview is conducted immediately, either in person or over the phone. In non-emergency situations, an appointment is made. If the case involves advice only, it will be handled in person or by phone, generally at the time of the initial client contact. Pamphlets, booklets and other written materials are made available as appropriate. If the person is ineligible, a referral is made to a state or local bar referral service or other referral resource.

Each program has case acceptance guidelines adopted by its board of directors. A case, including a high priority case, is generally not accepted if (1) the likelihood of success is small; (2) the program has inadequate time, resources or expertise; (3) the client can reasonably handle the case without assistance (e.g. conciliation court matters); (4) reasonable alternatives are available; or (5) the cost of representation exceeds the benefit or detriment to the client. Each program has procedures for case acceptance. Generally each case is reviewed, following the initial interview, at weekly office or unit staff meetings. This process is supervised by the managing attorney or other experienced staff. Without waiting for the regular meeting, experienced staff can make case acceptance decisions on emergency matters. An accepted case is assigned to an attorney or paralegal based upon specialty and caseload. A retainer agreement is entered into and a Release of Information and other forms filled out. If a case is rejected, the client is informed of the basis for the decision and the program grievance procedure. Programs usually attempt to provide some telephone information, make useful referrals or send relevant self-help information. Coalition program grievance procedures ultimately give a rejected client access to the program's Board.

Each office supervises and reviews staff legal work. Case review in some offices is conducted on a periodic basis by a supervising or managing attorney or, in the case of a paralegal, by the responsible attorney. In other offices, review is accomplished through regular group case review meetings. The frequency of individual supervisory case review depends on the experience of the staff person, the complexity of the caseload and the office review procedure. New employees may have their work reviewed weekly, while experienced employees may be reviewed monthly or quarterly. Intake, advice and referral systems and staff are regularly reviewed for quality of analysis and advice.

Programs regularly exchange priority information at directors' and substantive task force meetings. The Coalition programs have had an inter-program referral policy since 1982. It is updated as necessary. Non-Coalition programs are part of the referral network. Inter- and intra-program task forces regularly discuss, and programs adapt their intake questionnaires to reflect, recurring, systemic and emerging problems affecting clients. Coalition programs have incorporated domestic violence screening in their intake process in the past few years and regularly provide safety-planning information for clients.

Regional program offices are generally located in the population centers of each service area. Programs use circuit-riding and part-time intake and client contact sites to reach more distant parts of the service areas. Judicare and volunteer attorney programs recruit attorneys in as many towns in their service areas as possible to further increase client accessibility. Coalition programs make special efforts to reach the especially disadvantaged, including American Indians, migrants, the disabled, senior citizens, other minorities, refugees, non-English speaking persons and persons residing in less accessible areas. These efforts include: offices or programs which specialize in representation of groups such as American Indians, migrants, Cambodians, Somalians, seniors and farmers; part-time intake in remote rural areas, at senior meal sites, community centers and state institutions; community outreach through newsletters, announcements and posters; and other activities described above. Offices serving clients outside the Twin Cities have toll-free lines. Minnesota has an excellent telephone relay system and most offices also have TDDs to provide better access to clients with hearing impairments.

Programs serving special populations share their expertise with others who serve these populations on a less regular basis. In the past year, continuing legal education (CLE) programs have been offered in collaboration with state and local public defender offices on working effectively with American Indian and Hispanic clients. SMRLS sponsored a CLE attended by close to 200 private attorneys on the intersection between race and poverty. The Coalition's staff directory, which is updated at least once a year, contains lists of experts in particular poverty law topics. Legal services staff members participate in the MSBA's COLLEAGUE program through which attorneys can get phone advice from experienced practitioners in a particular area of law. Programs serving growing non-English-speaking populations are adding bilingual staff. One program provided intensive Spanish classes for its entire staff.

Some recent developments providing improvements in intake, advice and referral include:

Putting the list of legal aid phone numbers, organized by county, on the MSBA's web site.

Centralizing intake for Mid-Minnesota Legal Assistance (non-LSC) and Central Minnesota Legal Services (LSC) throughout their overlapping service areas.

Centralizing intake for Hennepin County private landlord-tenant cases. This involves MMLA's three Minneapolis neighborhood offices, CMLS and Volunteer Lawyers Network (VLN). Referral among offices and programs is done by email so that volunteer attorney referral can be made within minutes of intake information being completed by the local legal aid office.

Two regional volunteer attorney programs and one regional judicare program jointly purchased and installed new case management systems to save money on purchase, installation and training. Having the same case management system facilitated VLN in Minneapolis providing LSNM clients with assistance following the devastating 1997 floods.

Increasing the number of bilingual staff. For example, SMRLS recently added attorneys who speak Hmong, Tigrigna (Eritrean) and Amharic (Ethiopian); MMLA has Hmong-speakers and is in the process of hiring a Somali-speaker.

Placing staff in settings most accessible to new immigrant communities. For example, SMRLS recently received two foundation grants to locate a paralegal in Rochester with an Inter-Mutual Assistance Association office to serve the growing Cambodian, Hmong, Somalian and Bosnian communities in southern Minnesota.

Experimenting with entering client eligibility and screening information directly into the computer database in offices with the technological capacity.

Challenges and goals to strengthen and expand services to eligible clients include:

Explore implementation of a statewide toll-free number through which clients anywhere in the state could make one or at most two calls to reach the correct local legal services office. The Department of Human Services would be asked to include the number on all notices going to recipients in public benefit programs and recipients of MinnesotaCare. The Social Security Administration might also use this number on its notices. The simplest model is a toll-free number where the caller will be directed to the appropriate legal services number. A more sophisticated system would allow the caller to be connected automatically with the appropriate office. **Timeline:** A proposal is being developed for consideration by the Coalition directors in late 1998 or early 1999.

Explore ways to improve access for non-English speakers. With the growing and increasingly diverse immigrant and refugee populations in Minnesota, more offices need better access to interpreters to supplement bilingual staff. Programs are using AT&T's telephone interpreting services to meet special needs. AT&T provides access to around 100 languages in about one minute. This makes service for clients with widely varying language needs much more accessible. The MN Supreme Court's Interpreter Task Force is also addressing possible improvements in this area. **Timeline:** Linguistic access to community and government services including legal services will be addressed at the Legal Services Statewide Conference in October 1998. Improving access is also part of the technology plan. Funding decisions are hoped for by mid-1999.

- Through the new Law School Public Service Program (see section B-5 for a description), test and evaluate using a legal checkup that is more extensive than current intake questionnaires to provide holistic services to clients. If the project works well in a metro legal aid office, it may be expanded to rural offices using toll-free phone lines and videoconferencing. Trained law students could dramatically expand intake resources. Also involve more law students in screening conflict cases for volunteer attorney programs. **Timeline:** Begin testing legal checkup in fall of 1998 in Minneapolis. Expand conflict screening in St. Paul beginning in fall of 1998. Undertake rural expansion in the 1999-2000 school year.
- SMRLS hopes to open an office in Rochester to better serve that area. **Timeline:** When sufficient funding is raised.
- Cooperate with the MSBA's *Pro se* Task Force Implementation Committee to develop a directory of alternative legal services through which people who are not able to get service from a local legal aid office might find unbundled legal services and/or reduced fee legal services. **Timeline:** MSBA hopes to develop a preliminary directory by mid-1999.

Technology: Is there a state legal services technology plan? How can technological capacities be developed statewide to assure compatibility, promote efficiency, improve quality, and expand services to clients?

The Coalition programs and CMLS have a ten-year technology plan in place. In the next ten years, the Coalition vision is to create the efficiencies of a virtual statewide law firm using technology. This will provide the best service to clients and will begin to cut into the huge unmet need for legal services in Minnesota. Better internal and external communication will also improve the quality of services to clients. New forms of delivery, and a wider range of services, will prevent more types of legal emergencies, and reach new clients who qualify for services. Technological capacities vary widely among Minnesota's legal services providers,

reflecting different levels of resources. Some use technology very effectively; others hardly use it at all. As noted above, the Coalition programs received a planning grant from The Bush Foundation to rethink how legal services can be provided in Minnesota, especially in view of new technologies that can help streamline operations and allow programs to work together to serve clients in new and better ways. With over 500 hours of planning committee time and enthusiastic participation of program staff at all levels, the Coalition now has a clearer vision of how to move from mere survival to realization of the goal of providing the maximum service to clients. The technology plan extends far beyond mere technology and reaches into every area of client service.

Creating a virtual law firm achieves the benefits of consolidation without the drawbacks. Offices are able to be responsive to local needs while coordinating activities to achieve efficiencies and greater impact. Technology now allows a local presence without sacrificing the efficiency and high quality service that could come from shared, real-time client information, working conversations across offices and programs, and common formats for case statistics. Work can be coordinated so well that Coalition programs will operate as efficiently as a single legal aid office, while maintaining each program's local community control and identification. The components of this vision are:

- Maintain strong, active connections to local communities and diverse populations;
- Get maximum leverage out of work-sharing rather than duplicating efforts;
- Have many doors -- statewide, regional, and local -- so that clients can find help or access services from whichever entry point is most convenient to them;
- Emphasize client education and empowerment, preventive strategies, and *pro se* remedies;
- Gain access to online research tools that allow staff to work smarter and faster;
- Work more cooperatively and effectively with other agencies, state government and the private bar on behalf of clients;
- Preserve the ability to handle conflicts cases whenever possible; and
- Leverage all staff talents, from receptionists to attorneys, on behalf of clients.

An extensive technology plan exists and major funding requests are pending before The Bush Foundation and several other funders.² After exploring possible technology solutions for the problems discussed in a needs assessment, the Technology Committee and the Program Directors identified four focal points for the first two years (Stage I) of the technology plan.

2 A copy of the full technology plan is attached as Appendix B.

Develop an Electronic Information Network Through Internet Technologies. Through a number of internet-based applications, the Coalition plans to foster communication within legal services and outside the Coalition. Every staff member will have desktop access to the Internet and an individual e-mail account. The Coalition will set up several communication avenues that support different methods of communication.

Create Technology Planning, Education, and Support. These efforts include: holding semi-annual technology planning meetings for project directors; developing a technology education and planning component for the Coalition's annual statewide conference; holding a Minnesota Legal Services Technology conference once per year; preparing general educational materials on new technologies in legal services for quarterly circulation to all offices; and supporting technology listservs and web-based discussions so that staff people can post questions and find answers, discuss common technology problems and coordinate planning.

Move to All Forms of Electronic Research. This includes: providing links on the statewide web page to help steer attorneys to free online resources; posting online updates of recent developments in poverty law; pursuing a more affordable subscription rate to Westlaw or Lexis online research; completing negotiations and implementing a statewide contract for CD-ROM research materials to provide a fixed-cost, easily searchable collection of materials.

Bring All Offices to a Functional Level of Technological Capacity. The Coalition has identified "baseline" needs for each staff person and office. This is a level that creates the capacity for use of the statewide communication network that is being formed as well as the computer-assisted research tools. All offices/programs where it makes sense are already or will be networked.

The Minnesota State Bar Foundation recently committed partial funding for the Coalition to develop a web site conditioned on other funding being raised. Individual programs have received commitments for these efforts from local funders. A proposal for \$800,000 over two years for the Coalition programs and CMLS is pending before The Bush Foundation. The Bush Foundation has inquired about where the programs will turn to raise sufficient funds to implement the full plan. Additional funds from LSC for technology would be helpful in persuading the Foundation to make a substantial commitment. The programs collectively have committed \$900,000 out of program resources for Phase I (the first two years). Stages II and III run from 2000 through 2009 and will complete the transition to a virtual statewide law firm.

Timeline for funding: A decision from The Bush Foundation is hoped for by mid-1999.

Details of Stages II and III of the plan will be revised given the fast-moving pace of technological developments affecting the entire legal profession and practice of law. The MSBA now has an active and growing web presence with two FTE staff who assist members on technology issues. The MSBA's Court Opinions service forwards free to member-subscribers by email all Minnesota Appellate Court decisions as soon as the Courts release them. The Minnesota Courts are also increasingly using technology, including videoconferencing to hold court hearings in remote locations. The Coalition and other programs plan to continue working closely with the MSBA, the courts and others. The programs are committed to maintenance of up-to-date technological capacity.

Access to the Courts, Self-help and Preventive Education: What are the major barriers low-income persons face in gaining access to justice in the state? What efforts can be taken on a statewide basis to expand client access to the courts, provide preventive legal education and advice, and enhance self-help opportunities for low-income persons?

Minnesota's legal services providers play key roles in developing strategies for dealing effectively with *pro se* litigants. Legal services staff serve on the *pro se* committees in each Minnesota judicial district which were mandated by the Minnesota Supreme Court based on recommendations from the Minnesota Conference of Chief Judges *Pro Se* Committee. In appearances before the Chief Judges *Pro Se* Committee, legal services staff provided critical information about the particular issues confronting low-income people without access to counsel, carefully differentiating them from people who could afford lawyers but who have chosen to represent themselves.

An MSBA Task Force on *Pro Se* Litigants recently completed a major report entitled *Litigants Without Lawyers*. Two legal aid lawyers and three active volunteer/judicare attorneys were among the 14 Task Force members. The Task Force's mission was:

To examine who *pro se* litigants are and why they go unrepresented;

To determine the extent to which *pro se* litigants place a heavy strain on the judiciary;

To examine methods of ensuring that *pro se* litigants are better prepared and informed of their procedural responsibilities and rights;

To examine the feasibility of how lawyers providing *pro bono* services might be utilized to educate *pro se* litigants about their procedural responsibilities and rights;

To examine the role of CLE courses and credits either in educating *pro se* litigants or as a means of encouraging attorneys to provide procedural assistance in the efficient and effective administration of justice.

Establish a tracking system to determine the number of self-represented litigants going through the court system.

Conduct a broad survey of self-represented litigants in order to obtain a more detailed profile.

C. Bar/Lawyers Initiatives:

Launch a public awareness initiative to educate the public and self-represented litigants about: i) their rights and obligations in legal and courtroom proceedings; ii) the complexity of legal and courtroom proceedings; iii) the value lawyers bring to the legal process; and iv) alternative models of legal representation and services.

Establish and promote, in some bar districts, a moderate-income attorney panel consisting of new, senior, underutilized and other attorneys willing to provide full or select legal services to self-represented litigants on a reduced-fee or sliding-income-scale basis.

Promote full legal representation to self-represented litigants, and in addition promote alternative models of legal services such as ADR, the moderate-income attorney panel, select legal services, sliding fee scales, "low-bono," etc.

Work with continuing legal education providers to develop CLE programs that explore and address issues related to assisting self-represented litigants and the provision of alternative models of legal representation including select legal services.

Develop an alternative legal services directory listing legal services organizations and containing a listing of attorneys willing to i) provide services to self-represented litigants, including select legal services and ADR, and/or ii) serve on a moderate-income attorney panel.

Encourage attorneys to contribute to the reduction in the numbers of self-represented litigants by i) providing 50 hours of direct *pro bono* services to those who clearly cannot afford legal services, and ii) making direct financial contributions to legal services organizations pursuant to Rule 6.1 of the Minnesota Rules of Professional Conduct.

Explore more fully the legal, ethical, and professional liability issues surrounding the provision of select legal services.

D. *Pro se* Program Initiatives

Examine the feasibility of piloting a family law self-service center in a selected judicial district for self-represented litigants who satisfy legal services' income eligibility guidelines.

Examine the feasibility of a piloting a *pro bono/pro se* assistance program consisting of volunteer attorneys willing to provide legal counseling, in non-family matters, to income-eligible self-represented litigants that legal services organizations' case loads do not allow them to accept or those ineligible cases due to conflict of interest.

Examine the feasibility of a volunteer attorney landlord-tenant panel to assist self-represented litigants with basic procedural and form questions regarding landlord-tenant matters.

Establish a "Feasibility and Implementation Committee" to assess and implement the recommendations in this Report.

Establish a "District Advisory Board" to advise and keep each bar and judicial district in Minnesota informed about the activities of the Feasibility and Implementation Committee.

Legal services providers will be participating in and closely monitoring the MSBA *Pro se* Implementation Committee's work. Already a Central Minnesota Legal Services staff attorney drafted all of the forms for the Hennepin County Court's Family Law Self Service Center. Minnesota Legal Services Coalition fact sheets and booklets are being widely distributed throughout the state. The Coalition programs jointly provide self-help booklets and fact sheets relating to critical needs such as housing, consumer and family law. Several of these booklets are provided in Spanish, Laotian, Hmong, Vietnamese and Cambodian, as well as in English. Providing publications in other languages such as Russian and African languages will be explored. Twenty-four community legal education booklets and hundreds of fact sheets and supplemental inserts for booklets are available. The booklets and fact sheets are widely accessible to clients and potential clients of programs throughout Minnesota.³ In a continuing joint initiative, the Coalition's State Support Center is working with the Minneapolis firm of Leonard, Street & Deinard to ensure distribution of the booklets to public libraries and social service providers, among others. The State Support Center has also been successful in obtaining some donated printing, allowing for greater distribution of these booklets.

3 A brochure describing some of the booklets and a Fact Sheet List are attached as Appendix C.

Coordination of Legal Work, Training, Information and Expert Assistance: Do program staff and *pro bono* attorneys throughout the state receive the training and have access to information and expert assistance necessary for the delivery of high quality legal services? How can statewide capacities be developed and strengthened to meet these needs?

The vast majority of the resources available to meet the critical legal needs of low-income Minnesotans come from the Minnesota Legal Services Coalition Programs. Consistently lean budgets have led the Coalition programs to search continuously for ways to coordinate legal work, training, information and expert assistance. The Coalition has a national reputation for the ways in which the programs have worked cooperatively with each other, the private bar, other legal services providers including independent volunteer attorney programs, funders, the courts, and the Legislature. The Joint Committee carefully considered how Minnesota's legal services providers work together. The system in place today is the result of the process described above that began in 1980. The programs work continually to improve the system.

The following functions are currently consolidated and/or coordinated among the programs, many by the Coalition's jointly-funded State Support Center (Center).

Training: The Coalition programs jointly provide CLE for staff of Coalition and other legal services programs, including volunteer lawyers. Minnesota requires attorneys to complete 45 CLE credits every three years. Staff and volunteer attorneys can satisfy their CLE requirements by attending Coalition trainings and task force meetings. Most of this training is done through the Center. Center staff conduct annual needs assessments through office visits and written surveys to determine the most pressing training needs. They also ask about ongoing training needs before and at task force meetings (see below). In 1997, 21 statewide training events in substantive poverty law and legal skills attended by over 700 people were sponsored by the Center. Most trainers are Coalition program staff, supplemented by experts from the private bar and public agencies. Periodically, trainers are invited from national support centers, for example, two trainers from the National Consumer Law Center conducted a program in August 1998 on consumer law connections to other areas of poverty law practice. The Center, in cooperation with the MSBA Volunteer Attorney Program, works with private law firms some of which have agreed to include legal services staff in skills training for their associates. Local volunteer attorney programs also work together and with the MSBA to coordinate their own training events. Where possible, Coalition and volunteer attorney program training events are videotaped so that they can be repeated for lawyers unable to attend the live events.

The Center has negotiated with major CLE sponsors, such as the MSBA's Minnesota CLE and the Minnesota Institute for Legal Education, for reduced fees for legal services staff. This benefits staff of all legal services providers in the state, not just Coalition programs. The Coalition and the DVLS at the MSBA work with the general CLE providers to ensure that poverty law topics are included in their programs, especially at the annual institutes of the MSBA Family and Elder Law Sections. Recently the National Institute for Trial Advocacy committed to providing six greatly-reduced-fee slots for their fall 1998 Trial Advocacy Skills program for legal services staff in Minnesota.

Task Forces: Center staff coordinate bi-monthly statewide meetings of task forces in the areas of family, housing, public benefits, consumer, immigration and seniors law. Staff from all six LSC-funded programs, as well as from other providers around the state, participate on the task forces. The immigration and consumer task forces were started in the past year in response to clients' emerging legal needs. There is also a technology committee and a support staff task force. The task forces discuss common legal and practice problems and serve as an opportunity for training. Task force meetings emphasize training and problem-solving. In 1997, the Center started to apply for CLE credit for substantive portions of task force meetings as well as for the formal training events. Non-Coalition program staff and volunteer attorneys are welcome to attend task force meetings. Through the task forces, ad hoc working groups are also established as needed to deal with specific subjects such as family mediation. Task force participants are asked for their suggestions for training and agenda items before and at each meeting.

Statewide Conference: Each year the Center sponsors a two-day statewide conference attended by as many staff as possible of Coalition and non-Coalition programs. Recent conferences have been at a conference center in northern Minnesota at a time when the Center could negotiate favorable rates. The upcoming 1998 conference "Legal Services: Building Stronger Community Partnerships," builds on the 1997 theme "Legal Services: Finding a New Safety Net." These conferences are part of an ongoing process in which legal services providers explore the most effective means of providing justice for clients. The 1998 conference includes the opportunity to develop community collaboration action plans to address several different problems affecting large groups of low-income clients.

Statewide Newsletter: The Center publishes a twice-monthly newsletter for legal services staff and approximately 2,500 volunteer lawyers. The newsletter emphasizes recent developments in poverty law cases, statutes and regulations, updates on cases, upcoming training opportunities, availability of booklets and other client education materials, and notices of task force meetings and other events of interest. Over 51,000 copies of the newsletter were distributed in 1997. The Minnesota Volunteer Attorney Program of the MSBA (MVAP) underwrites the mailing and printing costs for distribution to volunteer and judiciary lawyers.

Training and Resources for Private Attorneys: The Center's newsletter, task forces and trainings are designed to address needs of volunteer lawyers as well as staff. State Support Center, Legal Services Advocacy Project and local Coalition program staff work with MVAP to write and keep up-to-date a Volunteer Attorney Desk Manual and monthly Family Law Appellate Case Summaries. The Center's newsletter, which includes regular articles of interest to volunteer lawyers, goes to almost 2,500 volunteer and judiciary attorneys. The Coalition programs contribute financial support to the Director of Volunteer Legal Services (DVLS) position at the MSBA. The DVLS runs MVAP, provides support services to volunteer attorney programs throughout the state including the independent volunteer attorney programs, and convenes the coordinators of these local programs three or four times each year to share information and discuss common problems. Local volunteer attorney programs work together to provide family law formbooks and forms on computer disks. See next section for more detail.

Administrative Rulemaking and Legislative Representation: Critical issues for low-income clients are involved in the legislative process and when administrative agency rules are adopted.

Sometimes the legislature is the only forum in which these issues can be resolved. Often legislators and agency staff request legal services staff participation because of their special expertise and familiarity with how laws and regulations affect the day-to-day lives of poor clients. With non-LSC resources, MMLA's statewide Legal Services Advocacy Project provides representation to eligible clients before the Legislature and in administrative agency rulemaking on such subjects as domestic violence prevention, landlord/tenant and public benefits issues, the cold weather rule, consumer protection, and health care regulation.

Statewide Litigation: Although over 99 percent of cases handled by the Coalition programs involve individual representation, the programs from time to time cooperate on complex litigation. In appropriate cases, such litigation is considerably more cost-effective than litigating the same issue over and over. When the most cost-effective way to resolve a particular issue affecting numerous clients is through a class action, private attorneys or programs that receive no LSC funding handle the cases.

Private attorneys have played important roles in major litigation in Minnesota. Recently two private firms donated well over 200 hours representing legal refugee and immigrant clients whose SSI and food stamp benefits were being denied and terminated under the new welfare reform laws in the class action *Kiev et al. v. Glickman*. In *Fogie et al. v. Rent-A-Center*, a class action filed by MMLA, the U. S. District Court entered an Order for Judgment in favor of the plaintiff class in the amount of \$30.3 million. MMLA co-counseled with two private firms, which spent seven years on this costly, high-risk case. The case provides an excellent example of a creative partnership between legal aid and the private bar, combining legal aid's unique legal expertise with the litigation skills and resources of the private sector to produce a result that neither could have achieved alone. A private firm recently agreed to consider co-counseling with Anishinabe Legal Services in a major education discrimination case on the Leech Lake Reservation.

Case Referral: The Coalition programs have an inter-program client referral policy. The policy applies to situations where a client may live in one program's service area but have a case venued in another service area. The Coalition programs also work closely with other providers in their service areas to ensure appropriate referrals.

Technical Assistance/Expert Advice: The programs coordinate and communicate regularly on the mutual provision of technical assistance. This includes areas like improving the uses of technology, fiscal oversight systems, and support for volunteer attorney programs. The Coalition's staff directory, which is updated at least once a year, contains lists of experts on particular poverty law topics. Legal services staff participate in the MSBA's COLLEAGUE program through which attorneys can get phone advice from an experienced practitioner in a particular area of law. Listservs will be established as part of the technology efforts to enhance communication and access to advice and assistance. SMRLS Board and management developed General Practice Standards, program Guiding Principles and Substantive Practice Standards that were implemented in 1997. The SMRLS Desk Manual is available to other programs.

Contracts/Space Sharing: Coalition programs contract with each other and with other agencies, such as Centro Legal and Legal Assistance of Dakota, Olmsted and Washington Counties, in order to avoid duplication and share space, support staff and resources, where appropriate. Some Coalition programs also contract a portion of their LSC funds to independent volunteer attorney

programs such as Volunteer Lawyers Network in Hennepin County and the Duluth Volunteer Attorney Program.

Bi-Monthly Meetings: The Coalition program directors, along with representatives of some non-Coalition programs, meet bi-monthly to review and coordinate on initiatives and interests of statewide concern. The Coalition directors also use these meetings to oversee State Support Center activities. In the past year, additional meetings have been held for “visioning” and long-range planning.

Future goals: As described in the technology section above, one of the key goals of the massive technology improvement efforts is to dramatically improve communication about legal work. Listservs will be established about key topics, and documents will be able to be shared much more readily in computer readable form. The timeline is described above. Better methods of getting materials to private attorneys will also be explored as access to technology by legal services offices and solo and small firm practitioners improves. Unfortunately, at present only between 10-20% of active volunteer attorneys regularly use email and only between 55-65% have reliable and affordable access to fax machines.

Private Attorney Involvement: What is the current status of private attorney involvement in the state? What statewide efforts can be undertaken to increase the involvement of private attorneys in the delivery of legal services?

Organized volunteer attorney programs cover all 87 Minnesota counties. The structure that enables this effective and efficient involvement of the private bar is paid for in large part with LSC funds. Over 1,700 private lawyers donate legal services through Coalition programs’ volunteer and judicare programs, donating legal services valued well in excess of \$5 million each year. These volunteer programs cover 78 of the 87 counties. Attorneys through these programs closed over 5,300 cases in 1997; over 50% of these cases were family law, 12 % were consumer-related, and 12% housing. Five freestanding programs coordinate volunteer lawyer services in the other nine counties. While the freestanding programs receive some funding from LSC grantees, they are managerially separate and obtain funding from other sources such as IOLTA, state-appropriated funds, United Ways, county boards and donations from local lawyers and law firms. These organized programs provide a mechanism for relatively equitable distribution of uncompensated work as well as a way to find representation for clients who approach a lawyer directly but whom that lawyer cannot assist. The programs provide training in poverty law and the special needs of low-income clients, malpractice coverage for cases taken through the programs, mentors and many other support services.

In 1994, the MSBA received the ABA’s Harrison Tweed Award for 14 years of work by the Legal Assistance to the Disadvantaged Committee and the MSBA as a whole expanding availability of legal services. In 1981, the Coalition programs approached the MSBA proposing creation of a fulltime position, funded primarily by the Coalition programs, to focus on access to justice issues at the MSBA. Minnesota was one of the first state bar associations to hire a full-time attorney to work on all aspects of access to civil legal services for low-income Minnesotans. The Coalition programs continue to contribute a portion of the salary and fringe benefit costs of this position. The MSBA has passed numerous resolutions encouraging *pro bono* work by attorneys, advocating for funding for legal services at the federal and state levels, and supporting

a strong, independent Legal Services Corporation. An MSBA priority each year is access to legal services for low-income Minnesotans. Legal aid staff are active on the LAD Committee, with someone from legal aid usually serving as co-chair of the Committee.

As described above, the MSBA's Director of Volunteer Legal Services ensures that everything related to private bar involvement, including participation, retention, training and support, is considered from a statewide perspective. She works with all of the local volunteer and judicare program coordinators, providing technical assistance as requested and organizes meetings at least three times each year so that the coordinators can share information and discuss issues of common concern. Mailings to the coordinators are done monthly. She also attends all meetings of the directors of the Coalition programs and provides assistance as needed to legal services staff around the state.

In 1982, the Coalition programs worked with the MSBA to form the Minnesota Volunteer Attorney Program, Inc. (MVAP). MVAP's board includes the four MSBA officers, three Coalition directors and two eligible clients. MVAP receives state-appropriated and IOLTA funds to provide statewide support for local volunteer attorney programs. MVAP grants pay direct costs for some of these services while the MSBA, with the Coalition's help, provides the staff and overhead. Using MVAP grants, the MSBA staff coordinates production, updating and distribution to volunteer attorneys of a Volunteer Attorney Desk Manual (1,000 subscriptions), monthly updates on all Minnesota appellate family law cases (550 subscriptions) and the Coalition's twice monthly newsletter (2,500 subscriptions). Local coordinators designate those to receive the subscriptions. Scholarships are provided to 50 volunteer attorneys yearly to attend a two-day CLE Family Law Institute.

Other statewide *pro bono* initiatives, in which the providers, the courts and others work with the MSBA, include:

Petitioning the Minnesota Supreme Court successfully to adopt a revised Rule 6.1, setting an aspirational standard of 50 hours of *pro bono* each year with an emphasis on representing low-income people;

Adoption and distribution of Model *Pro Bono* Policies and Procedures for Law Firms;

A separate model policy for Government Agencies;

The first model policy relating to judges and *pro bono*;

An annual *pro bono* breakfast program, now in its 12th year, for summer associates and lawyers in major law firms, government agencies and legal aid organizations;

Publication of a Directory of *Pro Bono* Opportunities for Attorneys (now in its third edition);

Establishment of and staff support for the Law Firm *Pro Bono* Roundtable, through which the *pro bono* contact people at the 25 largest law firms in the state meet periodically to discuss issues of common concern.

Eleven major law firms accepted the ABA's *Pro Bono* Challenge, dedicating from three to five percent of their billable hours annually to *pro bono* legal services, primarily to the disadvantaged. Minnesota's response is one of the highest percentage responses in the country. These firms were honored with the MSBA's Professional Excellence Award and receive considerable favorable publicity for their work. SMRLS, working with 3M, created one of the first corporate *pro bono* programs in the country in the early 1980s. That partnership continues,

with the general counsel of 3M encouraging lawyers in the law firms that represent 3M to get involved with *pro bono*. 3M lawyers are matched with lawyers from these law firms to expand *pro bono* resources.

Volunteer Lawyers Network (VLN) coordinates *pro bono* services in Hennepin County (including Minneapolis) where over half the lawyers in the state practice. VLN's board includes legal aid representation that enhances cooperation between the programs. VLN works closely with the MSBA and all the legal services providers to capture Minneapolis resources to serve clients statewide. For example, after the 1997 Red River Valley floods, VLN placed cases and provided telephone advice for clients of Legal Services of Northwest Minnesota in areas like insurance law. VLN provides statewide bankruptcy screening services for programs, places bankruptcy cases with Minneapolis lawyers, and works with the US Bankruptcy Court to find representation for indigent parties in adversary proceedings. For many years VLN has worked with the US District Court to manage a panel of volunteer lawyers who accept referrals in federal *pro se* cases, generally involving employment and other discrimination issues. VLN is considering establishing a panel to handle statewide screening, telephone advice and representation of employment-related matters based on needs growing out of welfare-to-work issues. **Timeline:** Establish employment advice panel by December of 1999 if funding for staff is raised.

The Law Firm *Pro Bono* Roundtable, described above, is also a vehicle for connecting private attorneys who have specialized expertise with legal services providers and other non-profits with legal needs. Programs with clients who need specialized services fill out a one-page request form which is sent by fax to the DVLS at the MSBA. She sends the request out by fax overnight to 45 people responsible for *pro bono* at the largest law firms. The firms respond directly to the programs. Over time, ongoing relationships are being built so that many programs now call the firms directly when they need particular assistance. Over 50 matters per year are placed this way, ranging from simple tax advice to co-counseling in a major education discrimination law suit. As more programs have access to email and as the MSBA's computer capacity improves, this system will move to electronic distribution. **Timeline:** Convert system to email by the end of 1999.

In the Twin Cities, an extremely effective collaboration involves the law firm Leonard Street & Deinard and MMLA's Minneapolis offices. LSD has its own legal clinic at the Community University Health Center in the Phillips neighborhood in South Minneapolis. MMLA staff train the clinic lawyers and provides expert assistance as needed. CUHC staff provides social and medical services and interpreting services for the legal clinic's clients. MMLA staff accept case referrals where matters would be better handled by legal aid staff. In turn, LSD lawyers provide assistance to legal aid staff in areas of law with which they are more familiar.

Following the devastating floods of 1997 and tornadoes in 1998, private attorneys worked with local legal services offices and the Farmers' Legal Action Group to provide special outreach and education programs and client advice and representation. This was especially important to ensuring that low-income families and family farmers received the support and relief necessary to survive and get back on their feet.

In 1990, as part of a master plan to expand the availability of legal services, the MSBA's LAD Committee created a Law School Initiatives Subcommittee to work on the law schools' roles. In April of 1994, a full-day symposium was held to explore how best to do this. The symposium included speakers from all aspects of the legal services partnership, including legal aid staff. Following the symposium, LAD drafted a Model Public Service Policy for Law Schools and circulated it in 1995-96 to the deans among others.

The MSBA, the legal services providers, all three Minnesota law schools and the Minnesota Justice Foundation are working together to establish a new Law School Public Service Program. Program goals are to (1) provide quality public service opportunities for an additional 300 law students each year; (2) develop stable funding within the three Minnesota law schools so that every law student who wants to participate in public service during law school has the opportunity to do so; and (3) provide all law students, as part of their law school program, with greater poverty law knowledge and skills and with opportunities to develop a *pro bono* ethic and provide public service. While many individual law schools have public service programs, Minnesota is the only state where efforts at all three law schools are coordinated through a single entity like MJF in cooperation with the bar and all the legal services providers. **Timelines:** (1) within three years; (2) within three to five years; and (3) within six to eight years.

Volunteer lawyers are recognized in several ways in Minnesota. Each local program gives annual awards to its best volunteers. Most local programs have their own newsletters which highlight their volunteers' efforts. Periodically, MVAP purchases small recognition items like mugs for distribution to all volunteers statewide. The Coalition programs give annual statewide *Pro Bono Publico* Awards, which are presented at the MSBA's annual convention. The MSBA does press releases on all the statewide awards and encourages reporters to cover the good works of lawyers. The MSBA's publications always contain information about *pro bono* award recipients. The MSBA annually recognizes exceptional work by legal services staff and volunteer law students with their Bernard P. Becker awards. The awards are named for the late legal aid lawyer, law professor and US Magistrate Judge Bernard Becker. Each staff recipient receives a \$750 stipend; each law student receives \$250. All receive a year of free MSBA membership. These awards are also presented at the MSBA's annual convention, receive extensive publicity, and reinforce the ties between legal services programs and the organized bar.

Among the recipients of the MSBA's highest honor, the Professional Excellence Award, are Coalition Program directors Bruce Beneke (SMRLS-1994) and Jerry Lane (MMLA-1994) and SMRLS attorney Paul Onkka (1989). Migrant Legal Services Director Bob Lyman received the Project Advisory Group's Denny Ray Award in 1994 and the Caesar Chavez Award in 1998. Patty Murto from the Duluth Volunteer Attorney Program (1993) and Patricia Brummer from SMRLS (1996) received the National *Pro Bono* Coordinator of the Year Award, and MMLA staff attorney Dave Ramp received the 1998 Vern Countryman Award from the National Consumer Law Center.

As law practice becomes more specialized and fewer lawyers engage in general practice, it becomes more difficult for individuals needing free assistance to find a lawyer directly. The organized programs assume increased importance. Lawyers need to better understand the severity of the unmet need for low-income legal services, especially in areas beyond family and housing law. While many private lawyers already are contributing time, too small a number are

asked to carry too much of the load. Lawyers need additional training on how to work effectively with low-income clients and in substantive poverty law. Even with the number of lawyers currently volunteering, there are some bottlenecks caused by insufficient staffing. As more lawyers volunteer more hours, considerable additional resources will be needed to screen the clients, match them with willing lawyers and ensure that lawyers taking cases receive needed training and materials. In much of rural Minnesota virtually every private lawyer is volunteering time already. In these areas, there are no more private lawyers to ask. To meet these challenges, a portion of most new funding for legal services is targeted at increasing resources for *pro bono* programs.

Another challenge is moving to electronic distribution of substantive law materials for volunteer attorneys. At present fewer than 10% of the subscribers to MVAP's publications have email addresses in the MSBA's system and fewer than 50% have fax numbers in the system. Many volunteer attorneys are solo or small firm practitioners with limited access to technology. The MSBA plans to try to collect email addresses and fax numbers from more of its members, which may help move closer to electronic distribution. Consideration may also be given to using two different distribution means for some of the publications. Once the Coalition has a web site, for example, the newsletter will be accessible for those private attorneys who have web access; email distribution is also likely. **Timeline:** Put the newsletter on web site within six months of establishment of the web site.

In 1990, the MSBA asked the MN Supreme Court to implement mandatory reporting of volunteer legal services and financial contributions to legal services providers. At that time, the Court issued an order strongly encouraging *pro bono* but declining to implement mandatory reporting. Since 1990 other states have implemented reporting. The Florida mandatory program in particular seems to have led to an increase in both time and money contributed. At the Supreme Court hearing in 1995 on Rule 6.1, the justices asked several questions about how the success of the revised rule might be measured and whether the MSBA had again considered reporting. Funders, including the state Legislature, have also expressed frustration at the lack of concrete information about donated legal services. In light of this, the Joint Committee recommended that the MSBA's LAD Committee develop a system for measuring the *pro bono* activities undertaken by Minnesota lawyers in order to establish a baseline for that activity, to encourage more lawyers to participate, and to evaluate whether efforts to increase such activity are successful. The LAD Committee is studying reporting in other parts of the country, considering the pros and cons. **Timeline:** LAD Committee hopes to have a formal report completed with recommendations by June of 1999.

Resource Development: What statewide financial resources are available for legal services to low-income persons within the state? How can these resources be preserved and expanded?

For the past 15 years the LSC-funded programs have operated with substantially reduced federal support. In 1982 the Minnesota programs lost more than \$1.3 million in revenues due to a 25 percent cut in LSC funding and loss of other federal funding. If 1981 LSC funding for Minnesota, in the amount of \$4,053,000, had merely kept pace with inflation, 1998 funding would have been \$7,133,690. In fact, it will be only \$3,704,105, meaning it has **lost** \$3,429,585 in purchasing power through 1998.

The programs face similar problems with other funding sources. Federal Older Americans Act (OAA or Title III) funding, which requires matching funds of 25 percent to 50 percent, was stagnant until it was cut by 5 percent in 1996. One program receives OAA funding of less than 90 cents per senior per year to provide legal services and community legal education in 22 counties. Another's OAA funding dropped over 25 percent from 1995 to 1996. Also, OAA and some other funding is restricted to particular clients.

The Coalition programs conservatively estimate that in order to make legal assistance available to all low-income Minnesotans with significant and meritorious civil legal problems, at least 76,000 more cases would have to be handled each year. Legal aid resources in 1997 dollars would have to increase by at least \$6.9 million to help those who are now turned down, and by \$12.3 million to meet all the critical legal needs of low-income Minnesotans.

Despite the above, Minnesota's legal services providers are in a far better financial situation than programs in many, if not most, other states. Since 1982 the Minnesota legislature has appropriated money for civil legal services. The current state appropriation for legal services is now over \$6.35 million, of which over \$5.5 million goes to the Coalition programs including the State Support Center. The funds are administered by the Legal Services Advisory Committee (LSAC), which is appointed by the Minnesota Supreme Court. The Coalition programs receive 85 percent of the state funds on a proportionate poverty population basis which ensures equitable statewide coverage. Fifteen percent is available for distribution to non-Coalition programs through an annual competitive grant process. The funding formula was initially proposed by the Coalition programs in 1982 so that independent volunteer attorney programs and other specialized providers would have access to state funding.

The decision to use collaboration and coordination in funding efforts is an example of the Coalition programs acting to ensure that a comprehensive integrated statewide system will continue in Minnesota. This approach has preserved a unified voice by all legal services providers before the state legislature and a comprehensive integrated delivery system with state dollars distributed to provide equal access to clients statewide.

The MSBA passes a resolution every biennium supporting legal services funding at the state and federal level. The MSBA's LAD Committee is very active in supporting legal services fund-raising efforts. State funding is part of the Supreme Court's budget request. Court personnel are helpful in framing the budget requests. Two legal services directors play a key role during each legislative session in shepherding the funding request through the key committees, and the MSBA's lobbyist works closely with the legal services providers in the Capitol to support legal services funding. Legal services in Minnesota receives overwhelming bipartisan support. Funding was originally passed in a Democrat-controlled state House and renewed three years later when the House was under Republican control. The original state funding for legal services was based on revenue generated by a civil filing fee surcharge. Later increases relied on an additional civil filing fee surcharge and a surcharge on certain real estate filings to generate some of the revenue for the general appropriation for legal services. In the past three years, legal services increases have come from general revenues without any specific new revenue source being identified. **Timeline:** At this time it is expected that a request for \$1 million per year in additional state funding for legal services will be made in the 1999 legislative session.

In 1984, Minnesota was the first state to adopt comprehensive IOLTA; it continues to have a successful IOLTA program. Because of service charge and transaction fee waivers by many of the participating banks and recent interest rate increases by major banks, IOLTA revenues are recovering from record lows a few years ago. The MSBA and legal services program staff and their boards work closely with the Lawyer Trust Account Board on these efforts. The MSBA, the LTAB and the Lawyers Professional Responsibility Board are working together to ensure that Minnesota's IOLTA program remains strong whatever happens with the *Phillips* case. The Coalition programs have always submitted a comprehensive statewide application to IOLTA, with the funds distributed on a poverty population basis. The Coalition's IOLTA proposal also includes the three single-county legal aid programs that share part of SMRLS' service area.

In 1990, the Loan Repayment Assistance Program of Minnesota was formed as a non-profit corporation. The Minnesota Justice Foundation and legal services providers played key roles in its creation. Minnesota's program is unusual in that it is a statewide non-profit that is not tied to a particular law school. Rather it supports staff working at legal services programs throughout Minnesota and graduates of Minnesota's three law schools. The board of directors includes private firm representatives, the deans of the three law schools, law students and a legal services program director. Since its inception, 142 loan repayment assistance grants have been provided to 72 attorneys working in civil legal services offices who might otherwise not have been able to afford to continue working with the programs. **Goal and Timeline:** LRAP plans to seek and hopes to receive a state appropriation in 1999.

Minnesota is making good use of National Association of Public Interest Law (NAPIL) programs. Seed money for Project HOPE (homelessness prevention) at SMRLS came through the Americorps National Legal Corps program. Currently four NAPIL fellows work with Minnesota programs, two through 1999 and two through 2000. On September 17, 1998, a major Minneapolis law firm sponsored a breakfast at which NAPIL leaders spoke to private law firm, bar and legal services provider representatives about the NAPIL Fellowship program. Additional law firm and corporate commitments are expected for fellowships in coming years.

Based on a recommendation of the Joint Legal Services Access & Funding Committee and with substantial assistance from the MSBA, Minnesota was the first state to adopt an attorney registration fee increase to support legal services. The fee, which became effective July 1, 1997, raised \$850,000 in its first year. The amount is expected to increase slightly each year as the number of lawyers grows. Eighty-five percent of the revenue goes to the Coalition programs on a proportionate poverty population basis. The remainder is allocated by the Legal Services Advisory Committee to other legal services providers including volunteer attorney programs.

In addition to the Coalition programs' joint approach to the Legislature and IOLTA, the programs have initiated joint ventures in the areas of farm law, immigration law and family law. The programs carefully analyze each fundraising effort to determine whether joint fundraising is appropriate. The decision reached depends on whether the potential funder would prefer one statewide proposal, a proposal among the group of programs, or proposals from one or more single programs. Where appropriate, non-Coalition programs are also included in joint fundraising efforts.

The Coalition programs are in the second year of a three-year renewal of a \$1.3 million grant from The McKnight Foundation to do statewide systemic work in the area of family law. Efforts funded by the grant include: improved enforcement of child support obligations for low-income persons, improvements in the systems intended to protect adults and children from domestic abuse, and training of all legal services staff on domestic abuse issues. The grant emphasizes improving accessibility to the legal system, including dealing with special access problems faced by people of color. Grant efforts include community legal education, staff training, litigation, and legislative and administrative advocacy consistent with LSC-regulations. The original three-year grant was allocated in large part based on proportionate poverty population. Recognizing the special needs faced by clients of Anishinabe Legal Services and the limited access to private funding in the reservation communities, the renewal grant provided enough resources for ALS to hire an additional staff attorney to accomplish their grant objectives. This is an excellent example of how the programs work together to raise resources and to do substantive work for clients.

Many Coalition program offices continue to receive strong support from local United Ways. Unfortunately, modest recent increases merely offset earlier cuts caused by stagnant or shrinking United Way revenues and increased donor designations; these revenues have lost ground to inflation over the past three years.

Other foundations provide significant support for legal services efforts in Minnesota. Some examples follow. Recently, MMLA received a major Joyce Foundation grant for statewide welfare-to-work activities, making efforts to ensure that these processes work effectively for clients. The Blandin Foundation in Grand Rapids MN provides funding to support the Grand Rapids office of LASNEM. The Bremer Foundation supports projects of a number of the legal services providers, some of which are targeted at services for the growing Hispanic population in rural Minnesota. Local bar associations occasionally support special needs and the Minnesota State Bar Foundation (MSBF) provides grants, usually in the \$2,000-\$5,000 range, to support special community projects or equipment needs of local legal aid offices. Recently the MSBF made a \$10,000 matching grant to the State Support Center for development of its web page.

As noted in the Technology section, The Bush Foundation provided a technology planning grant to the Coalition programs. The Bush Foundation is considering a Coalition proposal requesting \$800,000 over two years for implementation of the technology plan. Other major collective proposals as well as a number of individual program proposals are currently pending to match the Bush request to implement the technology plan. **Timeline:** The Bush Foundation will consider the Coalition's proposal in late December of 1998 or April of 1999. Other proposals are being submitted in late 1998 and early 1999.

Numerous legal community and corporate leaders serve on legal aid boards. This has helped the programs with individual, law firm and corporate fundraising. The Fund for the Legal Aid Society was created in 1981 to benefit the Minneapolis division of MMLA. In partnership with the Hennepin County Bar Association, it annually solicits donations from the legal community (over 3,500 local attorneys contribute), foundations and corporations through a One Hour of Sharing program and an annual Law Day dinner. By the end of 1997, the Fund had distributed \$3,270,000 to Legal Aid. MMLA recently hired a full-time Development Associate. The SMRLS Campaign for Legal Aid, supported by over 1,400 lawyers, a number of urban and rural

corporations, seven local bar associations, many banks and some church organizations, has raised nearly \$1,750,000 in its first six years. Corporations actively support legal aid. 3M, under the leadership of its general counsel, solicits financial and volunteer attorney support for legal aid from law firms with which it does business.

Recently, in order to broaden the private fundraising to benefit all the Coalition programs and other legal services providers, the Coalition program directors authorized creation of a permanent statewide legal aid fund, the Minnesota Legal Aid Foundation. The Minnesota Foundation, a statewide community foundation, will house the fund. A distribution system similar to the 85/15 formula used for state appropriations is likely to be used. General endowment funds as well as donor-designated and advised accounts are anticipated. **Timeline:** Fund will be operational by the end of 1999.

For fiscal year 1998 the Coalition programs'⁴ revenues were

Revenue Source	Amount	Percent
Foundations	\$	4%
United Way	\$	7%
Individual contributions/misc.	\$	7%
IOLTA	\$	8%
Legal Services Advisory Committee*	\$	36%
LSC	\$	20%
Older Americans	\$	4%
Other Federal	\$	8%
County	\$	2%
Interest	\$	1%
Attorneys Fees (non-LSC only)	\$	1%
State Support	\$	2%
Total	\$	100%

*Includes state appropriation and attorney registration fee.

As noted above, the MSBA has a staff person the majority of whose time is devoted to access to justice issues. The MSBA and the Coalition programs share the cost for that position. She writes the Coalition's IOLTA proposal and was instrumental in writing the original McKnight Foundation family law proposal. She also assists other legal services providers with fundraising as requested and provides technical assistance to the LTAB and LSAC. One of her major projects recently has been to help with planning and fundraising for the new Law School Public Service Program described in the private bar section. Providers expect the additional law student assistance to be a significant new resource for the programs. Programs also anticipate that the heightened emphasis on public service in the law schools will lead to a cadre of much better-prepared and more willing *pro bono* lawyers in the long run.

System Configuration: How should the legal services programs be configured within the state to maximize the effective and economical delivery of high quality legal services to eligible clients within a comprehensive, integrated delivery system?

4 Including CMLS

The Joint Legal Services Access & Funding Committee spent considerable time assessing the entire Minnesota civil legal services delivery system, looking at the regional Coalition programs as well as the independent volunteer attorney programs and single-county and specialized providers. The Committee concluded that coordination and cooperation are important and that Minnesota's legal services providers are doing an excellent job of collaborating. The Joint Committee also concluded that there are important benefits to maintaining a significant degree of local identification and involvement. Local community identification and involvement by clients, local lawyers, social service providers and funders has been extremely important for the programs in setting priorities. Although all programs tend to identify the same major priority categories (e.g., housing, family law, public benefits.), the day-to-day problems experienced by clients in these areas of law vary significantly from program to program. For example, rural and urban clients often experience quite different needs. In addition, programs serving specific populations meet very particular needs and consider relevant cultural and other differences in establishing priorities. These include Migrant Legal Services, a division of SMRLS which serves all of Minnesota and North Dakota; Anishinabe Legal Services, which serves the three largest Indian reservations in Minnesota; the Immigrant Law Center; and the statewide Minnesota Disability Law Center, a division of MMLA.

All programs have developed effective systems for addressing local needs by including client members on each program's local board. As a result, the programs are subject to local control, identification and accountability and are more effective than they could be if only one statewide board existed. The Joint Committee concluded that, "in many respects, the Coalition programs have already achieved an appropriate balance between centralization to achieve efficiencies and sensitivity to local priorities." Even with local boards, geographical distance and other factors sometimes make participation in person difficult.

The Joint Committee looked at all of the regional and specialized programs and noted that several developed collaboratively to serve special needs, take great advantage of a high degree of involvement by the private bar, and are critical to providing a full range of legal services to clients in Minnesota. Examples are the Immigrant Law Center, Centro Legal, Farmers' Legal Action Group, the Indian Child Welfare Law Center, Minnesota Advocates for Human Rights, the Minnesota AIDS Project Legal Program and United Cambodian Association of Minnesota.

Other programs draw upon local resources that would be lost and not available to a regional or statewide program. An example is Judicare of Anoka County's local funding. In 1998, \$144,000 in revenue is a direct result of the program's relationship with local funders and local private attorneys. These funds will be lost if the funding sources are not confident that their funds are being used directly to benefit their community. The single-county programs in Dakota, Washington and Olmsted counties also have local funding that might be jeopardized by more formal arrangements with SMRLS. The Committee also commended the legal clinics at the three Minnesota law schools and the Minnesota Justice Foundation for the creative and extensive involvement of law students and faculty in legal services delivery. Legal aid staff play an active role as adjunct faculty. The regional and specialized programs continue to find better ways in which to work together.

Funders in Minnesota have responded well to the current delivery system. Specialized and localized programs have successfully raised significant resources that, based on research with funders, would not be available to more centralized programs. The mechanisms for distributing IOLTA, state appropriations and the attorney registration fee funds all work well and assure that the poverty population throughout the state receives an equitable distribution of services. The mechanisms also help target populations with special needs and direct additional resources to those populations.

After extensive discussion, Joint Legal Services Access & Funding Committee members concluded that further merger of rural offices may not be cost-effective. Non-salary costs represent only about 25 percent of program costs. Merging offices leads to increased travel costs and attorney road time while making services less accessible to clients, many of whom do not have easy access to transportation. More recent discussions by program staff as part of the Bush Technology planning process have envisioned rural and other outreach offices being made more rather than less viable by using technology.

The Joint Committee identified several areas where it did believe that increased coordination and cooperation among the Coalition and other programs should be explored. These include improved local, regional or statewide intake; the possibility of a statewide phone line at least to direct people to the appropriate local office; additional materials and mechanisms for involving volunteer lawyers; joint purchasing; and expanded uses of technology. The Committee gathered information about these possibilities but did not have time to evaluate them thoroughly enough to make concrete recommendations. They did note that experience in other states with statewide hotlines and regional intake has been mixed; both require significant startup and ongoing operating funds and do not reduce the need for staff for full representation of clients. Programs were urged to, and have continued to, gather information on these and other ways in which further improvements in client services and cost-saving systemic changes can be made. As noted in the other sections above, significant progress has been made on implementing the Committee's recommendations. All programs routinely communicate with other programs serving similar populations and similar geographical areas to ensure maximum cooperation. **Timeline:** These activities are all already underway.

Based on the Bush-funded technology planning efforts and as noted above in the technology section, in the next ten years the Coalition vision is to extend coordination to a whole new level, creating the efficiencies of a virtual statewide law firm. This will provide the best service to clients, and will reduce the huge unmet need. Better internal and external communication will also improve the quality of services to clients. New forms of delivery, and a wider range of services, will prevent more types of legal emergencies, and reach new clients who qualify for services.

Creating a virtual law firm achieves the benefits of consolidation without the drawbacks. Offices will be able to respond effectively to local needs while coordinating activities to achieve efficiencies and greater impact. Technology now allows a local presence and autonomy without sacrificing the efficiency and high-quality service that could come from shared, real-time client information, working conversations across offices and programs, and common formats for case statistics. Work can be coordinated so well that Coalition programs will operate as efficiently as

a single legal aid office, while maintaining each program's autonomy. The components of this vision are:

Maintain strong, active connections to local communities and diverse populations;

Get maximum leverage out of work sharing rather than duplicating efforts;

Have many doors -- statewide, regional, and local -- so that clients can find help or access services from whatever entry point is most convenient to them;

Emphasize client education and empowerment, preventive strategies, and *pro se* remedies;

- Gain access to online research tools that allow staff to work smarter and faster;
- Work more cooperatively and effectively with other agencies, state government, and the private bar on behalf of clients;

Preserve the ability to handle conflicts cases whenever possible; and

Leverage all staff talents, from receptionists to attorneys, on behalf of clients.

Minnesota providers, LTAB, LSAC and the MSBA's LAD Committee continually assess demographic trends, changes in the laws and programs that affect low-income people, and the ability of providers to respond. In the past couple of years, programs have worked with the University of Minnesota's Institute on Race and Poverty, among others, to discuss strategies for ensuring that the programs respond to emerging needs.

The Joint Committee recommended that all legal services providers explore using a common format to track and report case service statistics to facilitate monitoring and evaluation of the overall delivery of legal services to low-income Minnesotans. LSAC and LTAB now request programs to use the CSR format required by the Legal Services Corporation. Program staff and the funders regularly discuss how the CSR categories are defined and what should be included in which category. Other funders such as United Way have moved to outcome-based tracking and evaluation. This has forced many programs to track their cases in at least two very different ways. This is expensive and not very productive. Generally, the outcome-based information is much more useful in evaluating whether the programs are responding effectively to community needs. Minnesota staff attending meetings with other legal services providers around the country have observed the movement toward outcome-based tracking. It is hoped that LSC will reexamine the CSR system and move away from purely case opened/case closed tracking. **Goal:** Have a common format for tracking cases for all LSC and non-LSC providers in Minnesota. **Timeline:** Within three years if the Bush Foundation grant is awarded and if LSC allows state-by-state flexibility with case reporting formats.

The Joint Committee also recommended that all providers become familiar with and abide by the ABA's Standards for Providers of Civil Legal Services and the ABA's Standards for *Pro Bono* Providers as appropriate. Copies have been made available to all the programs. In 1996, the SMRLS Board adopted program-wide work standards and expectations for all case handlers, as well as Guiding Principles or values to accomplish SMRLS' mission. Programs throughout Minnesota appreciate the work done by SMRLS and are looking at ways to adapt the SMRLS practice standards for their own settings.

In the area of program configuration, goals to strengthen and expand services and the major steps and timetable necessary to achieve these goals are contained in the technology plan as described in the technology section.

APPENDIX A

PROGRAM DESCRIPTIONS

APPENDIX A – Program Descriptions

(Current as of April 1998)

Anishinabe Legal Services (ALS) serves low-income persons who reside on the Leech Lake, Red Lake and White Earth Reservations in northern Minnesota. Some services are also provided to persons residing near those reservations. An estimated 18,917 people are eligible for ALS services which is an increase of approximately 30 percent over 1994. The median income in five of the seven counties within ALS' service area is at least \$5,000 below the statewide median. Most ALS clients live in remote, rural locations; many do not have telephones or transportation. Their unique legal needs include federal Indian law, Indian Child Welfare Act issues, tribal law/tribal courts, education, U.S. Indian Health and Bureau of Indians Affairs matters, Social Security, housing, discrimination, and elder issues. First priority is given to cases that involve both poverty law and Indian law. ALS staff practice before state, federal and tribal courts, and administrative agencies.

ALS currently employs 5.4 FTE lawyers, one paralegal and three support staff which represents a net increase in staff of 1.4 lawyers and one support staff over last year's staffing. New funding from the attorney registration fee, the McKnight Foundation grant, and a new Minnesota Department of Corrections Violence Against Women Act grant have made these staff increases possible. In 1997, ALS closed 947 cases, which is an increase of approximately 40 percent from 1994. The main ALS office is in Cass Lake on the Leech Lake Indian Reservation. ALS has no volunteer attorney program because very few private attorneys are located on the reservations. ALS's service area overlaps those of LSNM and LASNEM, and ALS refers clients to those programs for representation for cases which do not fall within its own case priorities.

ALS receives 45 percent of its financial support from LSC, which is down from 62 percent in 1995.

Judicare of Anoka County (JAC) serves low-income residents of Anoka County. An estimated 16,900 people are eligible for services. JAC is a combined staff and judicare program, employing two lawyers, two paralegals and two administrative/support staff. The staff administers the program (including client intake, eligibility screening and referral) and provides representation to clients in more traditional poverty law cases. The program closed 1,271 cases in 1997.

A panel of private practitioners are referred cases in which they have expertise; they are paid \$40 per hour (about one-half the usual rate) by JAC up to a set maximum. JAC has approximately 65 lawyers on its panel handling about six cases per lawyer per year. As part of the agreement to represent program clients, the attorneys provide some *pro bono* services. In 1997, panel attorneys provided over 1,083 hours of *pro bono* services in these cases.

The 21st District Bar Association asks that each member annually contribute five hours of uncompensated time or \$200 to JAC.

JAC receives 19 percent of its financial support from LSC.

Legal Aid Service of Northeastern Minnesota (LASNEM) serves low-income residents of 11 counties in Northeastern Minnesota. Offices located in Duluth, Brainerd, Grand Rapids, Pine City and Virginia serve an eleven-county area. An estimated 81,500 people are eligible for services. A judicare panel serves Koochiching County, LASNEM's most distant county. Outreach offices are staffed in Aitkin, Hibbing, Ely, Mora, Walker, Inger, Orr, Squaw Lake, Ball Club and Cass Lake.

LASNEM staff consists of 20 lawyers, five paralegals and 17 administrative/support staff. Its judicare panel consists of nine lawyers; another 33 lawyers participate in LASNEM's Brainerd and Pine City volunteer attorney programs. LASNEM closed 8,113 cases in 1997.

In 1981, LASNEM and the Eleventh District Bar Association jointly organized a separately incorporated volunteer attorney program. More than 90 percent of the attorneys in the region participate. In 1997, the fair market value of services provided by that program's volunteers exceeded \$500,000.

LASNEM receives 21 percent of its financial support from LSC.

Legal Services of Northwest Minnesota (LSNM) serves low-income residents of 22 counties covering approximately 25,000 square miles in northwest Minnesota. An estimated 79,700 people are eligible for services. The population density overall is about 15 persons per square mile. Only three cities exceed 10,000 population. The median household income is substantially lower than the state average. Twelve counties are among the 20 poorest in the state.

Services are provided by offices located in Moorhead, Bemidji and Alexandria. The Moorhead office provides program administration.

The program uses a combined staff and judicare system. Judicare panel lawyers are reimbursed by LSNM at \$40 per hour with maximum fees set for certain types of cases. In 1997, LSNM closed 5,425 cases. Approximately 44 percent of the cases were handled by the judicare lawyers; the remaining 56 percent were handled by the three staffed offices. In addition to their normal caseload, LSNM practitioners in 1997 handled thousands of additional disaster victim contacts, providing advice, brief assistance, and information. All 22 of LSNM's counties were declared federal disaster areas in 1997 due to spring storms and widespread flooding.

LSNM has nine lawyers, three paralegals and 10 administrative/support staff. Volunteers, law clerks and legal assistant interns are also used extensively. Staff provides administrative support, including client intake, eligibility screening and referral. Staff do individual representation primarily in public housing, government benefits and family law cases, and provide training, support and research for panel lawyers. LSNM also provides community education through both staff and judicare lawyers.

Approximately 260 lawyers in the LSNM service area (about two-thirds of the local lawyers) participated in the LSNM judicare program in 1997, averaging 10 cases per lawyer. Over \$1.4 million in lawyer time was donated by LSNM judicare panel members last year.

LSNM received 29 percent of its financial support from LSC in 1997, a lower percentage than in previous years. Title III funding for older Americans continues to decline. LSNM revenue in 1997-98 included grants to serve area flood victims, but though there continues to be substantial flood-associated legal work, no additional funding is expected to serve flood survivors.

Mid-Minnesota Legal Assistance (MMLA) provides legal advice and representation to low-income clients in 20 counties in central Minnesota, through offices in Minneapolis (3), St. Cloud, Cambridge and Willmar. An estimated 206,900 people are eligible for services. Efforts to increase access for especially disadvantaged clients have been made by securing funding for senior citizens projects, the Community Legal Education Project, the Housing Discrimination Law Project, the Family Farm Law Project and several statewide projects: the Minnesota Mental Health Law Project, the Legal Advocacy Project for Developmentally Disabled Persons, Protection and Advocacy for Individual Rights (serving persons with disabilities not covered by other federal advocacy programs). One component of MMLA, the Legal Aid Society of Minneapolis, was founded in 1913. MMLA delivered services for Central Minnesota Legal

Services (CMLS), the LSC grantee, on a reimbursement contract basis until July 1, 1996. At that time, MMLA ended the arrangement because the 1996 Congressional appropriation was interpreted by LSC to require that Congressional restrictions on LSC funds be imposed on **all** the funds of any program which received LSC funds, even on a sub-contract basis. Since over 83 percent of MMLA's funds were non-LSC, and since MMLA's other funders did not share Congress's support of the restrictions, MMLA's board declined to let a minority stakeholder control all of MMLA's activities.

Following termination of the MMLA/CMLS contract, CMLS hired additional staff to deliver services within the LSC restrictions. The programs coordinate intake and priorities to prevent or minimize any client confusion. MMLA currently employs 62.6 lawyers, 22.5 paralegals and 38.5 administrative/support staff.

The statewide Legal Services Advocacy Project, which provides legislative and administrative rulemaking representation, is part of MMLA.

MMLA closed 9,152 cases in 1997.

MMLA enjoys strong support from local bar associations, law firms and client groups. Volunteer Lawyers Network, the local lawyer volunteer program in Hennepin County, with over 625 active panel members, has had a referral relationship with the Legal Aid Society of Minneapolis for over 25 years. In addition, approximately 125 lawyers participate in volunteer attorney programs administered by MMLA's local offices.

Southern Minnesota Regional Legal Services (SMRLS) provides representation to low-income residents of 33 counties in southern Minnesota and to migrant farmworkers throughout Minnesota and North Dakota, through offices in St. Paul, Mankato, Winona, Albert Lea, Worthington, Prior Lake and Fargo, N.D. An estimated 242,400 people are eligible for services. Each office has a senior citizens project and an active volunteer attorney project. Outreach offices are located at the American Indian/East Side office, and the Cambodian Legal Services Project. SMRLS coordinates closely with the Immigrant Law Center of Minnesota (ICLM) described below. SMRLS also uses a number of circuit-riding and “growing season” offices throughout Minnesota.

SMRLS works collaboratively with other legal services providers on projects including the Minnesota Family Farm Law Project and a Citizenship Project with the Immigrant Law Center of Minnesota (ICLM). Funds have been obtained to create new positions in the Worthington and Rochester areas to reach out to the growing refugee communities. SMRLS has obtained funds to collaborate with the United Cambodian Association and Ain Dah Yung to serve American Indian juveniles. SMRLS's Education Law Project assists children of color who are experiencing difficulty in school. SMRLS has a Homeless Outreach Prevention Education project and a new project designed to educate and encourage landlords to rent housing to low-income persons who have less than perfect rental histories. A major 1998-99 initiative will be a program-wide effort to remove legal obstacles and help people make the transition from welfare to work as part of the new welfare reform laws. The Minnesota Legal Services Coalition State Support Center is part of SMRLS.

SMRLS was established in 1909 as the Legal Aid Bureau of Associated Charities in St. Paul. SMRLS employs 54 lawyers, 17 paralegals, and 31 administrative/support staff. SMRLS closed 12,211 cases in 1997. Innovative SMRLS programs include the SMRLS/3M Corporate *Pro Bono* Program and the SMRLS Futures Planning, Diversity and Priority Setting processes which are regarded as national models. In 1997, SMRLS became one of the first legal aid providers in the country to adopt comprehensive general practice standards and substantive area legal work expectations to guide its casehandlers in carrying out SMRLS's mission.

SMRLS has strong working relationships with local bar associations, lawyers and client groups. Nearly 600 volunteer attorneys donated 6,119 hours of time in 1997 through SMRLS's volunteer attorney programs.

SMRLS receives 25 percent of its financial support from the LSC.

Central Minnesota Legal Services (CMLS) provides advice and representation to low-income residents in a 20-county area in central Minnesota through offices in Minneapolis, St. Cloud and Willmar. An estimated 206,900 persons are eligible for services. CMLS participates in centralized intake with MMLA, a non-LSC civil legal services provider serving the same counties, to avoid client confusion or delays in delivery of service. CMLS emphasizes services to families in crisis. CMLS staffs the volunteer attorney programs in St. Cloud, Willmar and Cambridge. CMLS also provides financial support to volunteer attorney efforts through LSC-approved subgrants to the Minnesota Legal Services Coalition State Support Center, to Volunteer Lawyers Network and to the MSBA's volunteer attorney efforts. CMLS coordinates with MMLA on needs assessments and priority setting.

CMLS currently employs 9.8 attorneys, 5 paralegals, and 7 administrative/support staff. In 1997 CMLS closed 2,386 cases in 1997. Its volunteer attorney panel consists of 322 attorneys.

CMLS receives 100 percent of its financial support from the Legal Services Corporation.

Legal Assistance of Dakota County (LADC), formed in 1973, provides legal assistance to low-income residents of Dakota County through its office in Apple Valley. LADC staff consists of an executive director, a staff attorney/volunteer attorney program coordinator, a legal secretary/office manager and a part-time legal assistant. LADC closed 204 cases in 1997. All but four of the cases were family law matters. LADC also responded to thousands of telephone inquiries and made referrals to private attorneys through the Dakota County Attorney Referral Service which LADC operates for the local bar association. In 1997, 74 volunteer attorneys closed 34 cases. LADC works closely with SMRLS, which also provides staff services through its Prior Lake office.

Legal Assistance of Olmsted County (LAOC) has been providing legal services to low-income residents of Olmsted County for 25 years through its office in Rochester. LAOC's staff consists of two lawyers, one paralegal, and one volunteer attorney program coordinator/legal secretary. Services consist of family law (48 percent), landlord/tenant (39 percent) and cases including government benefits, consumer, juvenile, and others (13 percent). LAOC conducts a Tenants' Rights Clinic each week in which an LAOC attorney provides advice and representation on fair housing, eviction, maintenance and repair, and return of security deposits. In 1998, LAOC plans to begin a tenants' rights hotline. Staff and volunteers will answer landlord/tenant questions. LAOC coordinates the volunteer attorney program for Olmsted County to handle conflict cases and civil cases outside the scope of staff services. In 1997, staff closed 573 cases, and 54 volunteers closed another 74 cases. Staff also handled approximately 5,500 telephone inquiries or referrals. LAOC works closely with the SMRLS office in Winona, which also serves Olmsted County. The LAOC volunteer attorney program utilizes the Bankruptcy Clinic coordinated by Volunteer Lawyers Network. This enables LAOC to assist more clients who are experiencing financial difficulties.

Legal Assistance of Washington County (LAWC), established in 1972, provides legal assistance to low-income residents of Washington County through its office in Stillwater. The program staff includes a full-time executive director/managing attorney, a full-time staff attorney/volunteer attorney program coordinator, a full-time legal secretary and a part-time intake specialist/secretary. LAWC closed 463 cases during 1997. LAWC's 74 volunteer attorneys averaged approximately one case each. LAWC also

provided 1,838 referrals during 1997. Services are primarily in the area of family law (70 percent). Other areas include consumer (4 percent), landlord/tenant (9 percent), income maintenance (8 percent) and other (9 percent). LAWC works closely with SMRLS, which also serves Washington County through its St. Paul office.

Centro Legal provides civil representation to the Hispanic and low-income communities in the Twin Cities metropolitan area and occasionally outside the Twin Cities if staff is available. All staff are bilingual. Principal areas of expertise include immigration, family law and the intersection between the two. Services are tailored to meet the legal needs of the working poor and are available either free or at very low cost based on a sliding-fee schedule. Centro's Proyecto Ayuda serves victims of domestic abuse. The Legal Protection for Children program provides free legal services to abused or neglected Hispanic children. Centro recently consolidated its St. Paul and Minneapolis offices in a single office in the Midway area. SMRLS in Ramsey County and the CMLS and MMLA Minneapolis offices have the primary responsibility to provide legal assistance in low-income critical need cases. Centro supplements these services.

Chrysalis Legal Assistance for Women in Minneapolis provides information, advice and lawyer referrals to women in the greater metropolitan area, primarily in family law. Volunteer lawyers provide the information and advice. The only full representation is through referrals to lawyers who expect to be paid for their work. Some offer reduced fees. There are no financial eligibility guidelines for clients, who are asked to make a small contribution to the program.

The **Farmers' Legal Action Group** in St. Paul provides free legal services statewide to financially distressed family farmers including staffing a toll-free phone advice line, publishing a quarterly substantive newsletter, and providing training and legal backup for legal aid staff, farm advocates, and numerous lawyers who provide volunteer and reduced fee services to financially distressed family farmers. FLAG works closely with Minnesota Family Farm Law Project staff who provide services to clients through Coalition program offices, principally in St. Cloud and Mankato. FLAG's publications, including a recently updated *Guide to Rural Disaster Relief*, are critically important to legal aid staff and volunteer attorneys working with clients on complex farm law issues.

The Immigrant Law Center of Minnesota is an entity created in 1996 within the corporate structure of Legal Assistance of Ramsey County. ILCM specializes in legal services for refugees and immigrants. All staff members of ILCM have extensive experience in immigration and poverty law and area fully bilingual in Spanish. ILCM assists eligible clients who request assistance with citizenship, regardless of nationality. This is done on an individual basis, and also through organized meetings and intakes conducted in the community. Law student volunteers have been trained to assist clients to prepare the citizenship application. ILCM has organized a group of volunteers to assist clients to study the government/civics materials. It has worked with other agencies such as the Wilder Foundation and Neighborhood House to give presentations on the naturalization process to community leaders and agency staffs. ILCM works with SMRLS to ensure appropriate referrals, and works in collaboration with Centro Legal on all facets of immigration and naturalization. ILCM and SMRLS are conducting a joint citizenship project.

The **Indian Child Welfare Law Center** in Minneapolis, incorporated in 1993, focuses on preservation of Indian families by representing extended family members in proceedings governed by the Indian Child Welfare Act, Heritage Preservation Act and Indian Family Preservation Act. Legal advocacy is coordinated with Indian family services. The Center coordinates with public defender offices and other civil legal services providers as appropriate.

The **Indian Legal Assistance Program** in Duluth primarily provides criminal and juvenile representation to Native Americans residing in the Duluth area as well as on the Fond du Lac and Nett Lake Reservations. The program also offers very limited civil representation and coordinates with LASNEM's Duluth office and the Duluth Volunteer Attorney Program.

Lao Family Community of Minnesota in St. Paul until recently had a Legal Aid program to assist low-income Southeast Asian refugees and immigrants with immigration law for the purposes of family reunification and to provide very limited civil legal services. This program no longer has a staff lawyer and recently requested that SMRLS provide intake at its office.

Legal Assistance to Minnesota Prisoners (LAMP) in Minneapolis provides civil legal services to inmates at Shakopee, Stillwater, St. Cloud and Sandstone prisons. Coalition programs therefore generally do not provide legal assistance to persons incarcerated in these institutions. LAMP is run by the State Public Defender's Office and involves law students in a clinical program.

Legal Rights Center, Inc. (LRC) in Minneapolis is an alternative criminal and juvenile defense program serving Hennepin County. There is close cooperation between LRC and MMLA's Minneapolis office.

Minnesota Age and Opportunity Center (MAO) provides free or sliding-fee legal services to persons over 55 years of age primarily in Hennepin, Ramsey and Anoka Counties. Staff participate in the Coalition's Statewide Seniors Task Force and coordinate with Coalition programs particularly in the metro area.

Minnesota Advocates for Human Rights in Minneapolis runs a statewide refugee and asylum project using volunteer lawyers to assist indigent asylum seekers who have fled persecution. The program coordinates with other immigration law services providers, especially ICLM, VLN and SMRLS.

The **Minnesota AIDS Project Legal Program** provides legal information, advice and representation to persons with HIV-related legal issues by using volunteer lawyers coordinated by a full-time lawyer. The program coordinates with Volunteer Lawyers Network and SMRLS in the metro area and with other programs throughout Minnesota.

The **Minnesota Justice Foundation** coordinates *pro bono* services by students at all three Minnesota law schools. MJF provides free law clerks to volunteer lawyers, student interns to legal aid providers and other public interest agencies, and free student assistance for staff and volunteer lawyers statewide. MJF's role is expanding as all three Minnesota law schools begin to implement policies and programs to provide as many law students as possible with public service opportunities during law school. MJF is currently seeking funding to develop the Law School Public Service Program which will dramatically expand public service opportunities for law students. Within three to five years the law schools are expected to pay for most of the expanded services out of their operating budgets.

The **Minnesota Volunteer Attorney Program (MVAP) of the Minnesota State Bar Association**, housed at the MSBA's Minneapolis office, provides substantive law materials including monthly Family Law Updates, a Volunteer Attorney Desk Manual and the twice-monthly MLSC Newsletter to volunteer and judicare lawyers statewide. MVAP also provides other technical assistance and support services to local volunteer attorney program coordinators and volunteer and judicare lawyers.

Neighborhood Justice Center, Inc. (NJC) in St. Paul was originally developed by community groups with the assistance of SMRLS. NJC primarily provides representation to indigent persons in criminal and juvenile matters in Ramsey County.

United Cambodian Association of Minnesota (UCAM) in St. Paul provides civil legal services and community legal education for Cambodian families. SMRLS subcontracts with UCAM and several SMRLS attorneys and paralegals have offices located at the UCAM.

The **University of Minnesota Law School, William Mitchell College of Law** and **Hamline University Law School** conduct clinical law programs that result in some services to low-income persons in civil matters. William Mitchell has civil litigation clinics located in Coalition program offices in the Twin Cities. Faculty and legal services staff supervise students, and the programs' policies and procedures apply. Referral relationships also exist between the University of Minnesota Civil Legal Aid Clinic and MMLA and SMRLS. Hamline and the University of Minnesota place law student interns with both SMRLS and MMLA.

Volunteer Attorney Program and Northland Mediation Service (VAP-Duluth) provides civil legal services to residents of St. Louis, Cook, Lake, Itasca and Carlton Counties. Created by LASNEM in cooperation with the Eleventh District Bar Association, the program is now separately incorporated. LASNEM provided \$22,500 to VAP-Duluth in 1997. A referral system exists between the two programs. There are two non-lawyer staff people. The goal of the program is to provide legal services to those people who cannot be represented by staff in LASNEM offices in Duluth, Virginia and Grand Rapids. VAP clients are either those with whom LASNEM has direct conflicts or clients LASNEM cannot serve. Representation includes advice, brief service, representation before a court or administrative body, preparation of legal documents and negotiation of settlements. VAP volunteers handle over 650 cases each year. VAP-Duluth also runs Northland Mediation Service, KIDS First, and a *pro se* divorce program in the Duluth area.

Volunteer Lawyers Network (formerly Legal Advice Clinics, Ltd.) (VLN) administers a volunteer program in Hennepin County. VLN received a \$15,400 LSC subgrant in 1997 from CMLS. MMLA, CMLS and VLN have a long-standing history of coordination and referrals. MMLA and CMLS staff provide substantive law training to VLN volunteers. VLN volunteers use MMLA materials and manuals. The MMLA Executive Director and an MMLA staff attorney sit on the VLN Board to enhance communication and cooperation. Meetings between MMLA and CMLS managers and VLN staff seek to resolve any questions regarding priorities and referrals. MMLA office space is used as a VLN clinic location. MMLA and CMLS staff consult with VLN volunteers on cases. A CMLS staff attorney is on VLN's Family Law Committee. MMLA and VLN have developed a coordinated intake system to handle private landlord-tenant cases more efficiently and with less danger of clients being lost in the process of referral between agencies. In 1997, MMLA, VLN and CMLS conducted a coordinated priority-setting process to assure maximum efficiency in service delivery. Law firm summer associates, certified under a student practice rule, handle volunteer cases through special VLN clinics which are held nightly during June at MMLA's Minneapolis offices.